

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-CV-275-D

SILICON KNIGHTS, INC.,

Plaintiff,

v.

EPIC GAMES, INC.,

Defendant.

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ORDER

On July 22, 2010, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 556]. In that M&R, Judge Gates recommended that:

1. Silicon Knights, Inc.’s (“SK”) motion for partial summary judgment [D.E. 418] be denied;
2. Epic Games, Inc.’s (“Epic”) motion to strike [D.E. 473] be allowed in part and denied in part, and the portions of SK’s reply in support of its summary judgment motion identified above be stricken;
3. Epic’s motion to stay [D.E. 480] be denied; and,
4. SK’s claim for costs in defending against Epic’s counterclaims be denied.

No party filed objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quotation omitted) (emphasis removed) (alteration in original). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court accepts the M&R. Thus, SK's motion for partial summary judgment [D.E. 412, 418] is DENIED; Epic's motion to strike [D.E. 473] is GRANTED IN PART and DENIED IN PART and the portions of SK's reply in support of its summary judgment motion are STRICKEN as identified in the M&R; Epic's motion to stay [D.E. 480] is DENIED; and, SK's claim for costs in defending against Epic's counterclaims is DENIED.

SO ORDERED. This 19 day of August 2010.


JAMES C. DEVER III
United States District Judge